

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RODNEY WIGGINS,

Plaintiff,

-against-

ORDER

13-CV-1731 (JS) (WDW)

CARLOS FIGUEROA #6467,
BRIAN FERRICK #2819, #515,
VINCENT F. DEMARCO,

Defendants.

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APPEARANCES

For Plaintiff: Rodney Wiggins, pro se
602020
Suffolk County Correctional Facility
110 Center Drive
Riverhead, NY 11901

For Defendants: No appearance

SEYBERT, District Judge:

On March 27, 2013, incarcerated pro se plaintiff Rodney Wiggins ("Plaintiff") filed a pro se Complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against Carlos Figueroa #6467 ("Figueroa"), Brian Ferrick # 2819 ("Ferrick"), #515 ("#515") and Sheriff Vincent F. DeMarco ("DeMarco") (collectively, "Defendants"), accompanied by an application to proceed in forma pauperis. By Order dated May 2, 2013 the Court granted Plaintiff's application to proceed in forma pauperis and sua sponte dismissed the Complaint with prejudice against DeMarco and Defendant #515 unless Plaintiff filed an amended complaint within 30 days from the date that Order was served upon him. Plaintiff has not filed an amended complaint. As such, Plaintiff's claims against Defendant

DeMarco and Defendant #515 are hereby DISMISSED WITH PREJUDICE.

The Court's Order of May 2, 2013 allowed Plaintiff's claims against Defendants Figueroa and Ferrick to proceed, but stayed the case in order to allow the Suffolk County Attorney and the New York State Attorney General to respond to the Court's request for information regarding Figueroa's and Ferrick's affiliation(s). The Court has been informed that Defendants Figueroa and Ferrick are Court Officers assigned to the Suffolk County Court, and that their commanding officer is Captain Michael Smaldone.

IT IS HEREBY ORDERED that the Clerk of Court must issue summonses for Defendants Figueroa and Ferrick and forward to the United States Marshal Service for the Eastern District of New York copies of the Summonses, Complaint, and this Order for service upon Defendants Figueroa and Ferrick at the following address:

Riverhead West Command, Cromarty Court Complex
210 Center Drive, Room 4076
Riverhead, NY 11901

without prepayment of fees; and

IT IS FURTHER ORDERED that the Clerk of Court must mail a copy of this Order to the Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: July 11, 2013
Central Islip, New York